

2009 ANNUAL RULE FOR THE SALE OF MONTANA NONRESIDENT COMBINATION LICENSES; AND THE REISSUE OF NONRESIDENT DEER LICENSES THAT WERE SEPARATED FROM THE NONRESIDENT BIG GAME COMBINATION LICENSES

(This Rule effective 3/1/ 2009 through 2/28/2010)

There are eight categories of combination licenses available to nonresidents:

<u>Category</u>	<u>Price</u>	<u>Quota/Target</u>
General Public		
Big Game Combination	\$643	
Elk Combination	\$593	11,500
Deer Combination	\$343	2,300
(Includes a non-refundable \$5 drawing fee and \$10 Hunting Access Enhancement Fee)		
Outfitter Sponsor (Market Based)		
Big Game Combination	\$1,500	4,750
Elk Combination	\$1,400	
Deer Combination	\$1,100	1,800
Landowner Sponsor Deer Combination	\$343	2,000
(Includes a non-refundable \$5 drawing fee, and a \$10 Hunting Access Enhancement Fee)		
Nonresident Youth Big Game Combination	\$324	300
(Includes \$10 Hunting Access Enhancement Fee)		

The Big Game Combination License includes elk, deer A, upland game bird, fishing and conservation licenses. The Elk Combination License includes elk, upland game bird, fishing and conservation licenses. The Deer Combination License includes deer A, upland game bird, fishing and conservation licenses.

For hunters who choose not to hire a licensed outfitter or to seek a landowner sponsor, a combined total of 11,500 Big Game and Elk Combination Licenses and 2,300 general Deer Combination Licenses will be sold via a random drawing. 300 Nonresident Youth Big Game Combination license will be issued on a first come first served basis to nonresident youth sponsored by an immediate family member possessing a valid 2009 resident deer or elk license or a valid 2009 Nonresident Big Game, Elk or Deer Combination license.

The fees charged to hunters who have written certification of having booked the services of a licensed Montana outfitter are set at a market rate intended to sell a combined average of 5,500 Outfitter-Sponsored Big Game and Elk Combination licenses (in aggregate) and 2,300 Outfitter-Sponsored Deer Combination licenses each year, over a 5-year period. For license year 2009, the target quota for Outfitter-Sponsored Deer Combination licenses is 1,800 and the target quota for Outfitter-Sponsored Big-game Combination licenses is 4,750 to meet the intent of the 5-year average, while compensating for refunds that occur after September 1 without re-issuance of licenses. Refunded Outfitter-Sponsored Licenses will be reissued from an Outfitter-Sponsored Alternates list only if the refund causes the number to fall below the target quota.

There are 2,000 Deer Combination licenses available to nonresidents who have written certification of their intention to hunt only on land owned by a Montana resident who has agreed in advance to "sponsor" the nonresident sportsman's hunting activity. Provided sufficient numbers of licenses are available, each resident landowner sponsor who owns 640 or more contiguous acres will have one applicant receive a license. If enough licenses remain for a second applicant for each of these resident landowner sponsors, they will be issued. Any remaining licenses will be issued via a drawing.

License fees must accompany the applications in the form of cashier checks or money orders, made payable to "Montana Fish, Wildlife, & Parks." Foreign checks must be international drafts on U.S. banks.

Sportsmen can apply only once and for only one of the available licenses. For example, sportsmen cannot apply for both Outfitter-Sponsored Big Game and a General Big Game Combination License. Likewise, a sportsman cannot apply for a Deer Combination and a Big Game Combination License. If these rules are not followed, no license will be issued and the applications will be returned. The applicant's initial selection will be final. In other words, no change to the type of license will be allowed.

The department will accept "party applications" for up to five individuals. A check-off box on the application must be marked for each person in the party. All members of the party must apply for the same type of license, and each member must complete and sign his/her own application. Party applications must be sent in the same envelope. Parties with a mixture of General Elk and General Big Game applications will be acceptable. Party hunts related to Landowner Sponsored licenses have their own unique rules, which are explained later in this Rule. If these rules are not followed, the applications will be processed, but the "party" status will be rejected.

Applications and certification forms for all licenses will be provided by Montana Fish, Wildlife and Parks. Photocopied applications are acceptable, however, the signature must be original. Faxed or photocopied signatures on applications will not be accepted.

Applications must be personally signed by the nonresident applicant. Powers-of-attorney will not be granted nor accepted; in other words, no one but the applicant can sign the application. A drop box will be provided for walk-in applications and will be considered with that day's mail.

Applications involved in drawings, including landowner sponsor certificates, that are in error will be rejected. All licenses will be mailed to successful applicants about the third week in April.

PROCEDURES FOR SALE OF GENERAL CATEGORY COMBINATION LICENSES

Nonresident hunters can choose not to purchase a deer A license as part of the Big Game Combination License. The license issued becomes an Elk Combination License.

All applications for the Big Game and Elk Combination Licenses in the general category will be considered together towards a total quota of 11,500. The Deer Combination Licenses have a quota of 2,300. All licenses will be issued through a random computerized drawing. Applications for these licenses must be postmarked on or before March 16, 2009. The drawing will take place approximately April 15. If licenses remain after the drawing, the department will include all unfilled applications postmarked after March 16 in a random drawing. Should any licenses still remain after the random drawing, it will be publicized and they will be issued first-come, first-served.

PROCEDURES FOR SALE OF LANDOWNER-SPONSORED DEER COMBINATION LICENSES

Certificates affirming the nonresident applicant has been sponsored by a landowner sponsor must accompany the application. These certificates must be obtained from the applicant's resident sponsor. Landowner sponsors must use "Landowner Sponsor Certificate" forms provided by the department and will be limited to sponsoring a maximum of 15 nonresidents. Landowner sponsors are required to annually submit to the department, within 30 days after the close of the hunting season, complete and accurate records listing sponsored individuals or parties who hunted on his property, where they hunted, and what game was taken. These reporting forms are also furnished by the department. Landowners who fail to submit these records on time for the prior year will not be permitted to sponsor nonresident applicants for the first drawings of the current year. If the records are received by the department late the landowner will be eligible to sponsor any remaining licenses after the first drawing.

Landowner sponsors must direct the hunting activity of the applicant, be a resident of the State of Montana, inform the hunter of Montana's hunting laws, and provide all deer hunting only on property owned by the landowner sponsor (leased or rented land does not qualify). Nonresidents who obtain a landowner-sponsored deer license are required to conduct all deer hunting, including any additional deer B licenses they obtain, only on the sponsoring landowner's deeded land. However, fishing and bird hunting may be conducted statewide. Landowners are prohibited, by law, from soliciting or accepting monetary consideration for services intended to only provide the applicant with a hunting license. Invalid landowner sponsorship may result in the relinquishment of any obtained licenses. It is Fish, Wildlife, & Parks' intent to follow the following procedure: Provided sufficient numbers of licenses are available, each resident landowner sponsor who owns 640 or more contiguous acres will have a "mini-drawing" conducted from within their applicants so that one applicant receives a license. If enough licenses remain for a second applicant for each of these resident landowner sponsors, they will be issued via the same method. "Parties" are not eligible to receive licenses during this phase of issuance. Landowners wishing to participate will be required to certify they own 640 or more contiguous acres. Any remaining licenses will be issued via a random drawing among all applicants. Party applications will be eligible for this phase of issuance. Applications for these licenses must be postmarked on or before March 16, 2009. The drawing will take place approximately April 15.

PROCEDURES FOR SALE OF OUTFITTER-SPONSORED COMBINATION LICENSES

Nonresident hunters can choose not to purchase a deer A license as part of the Big Game Combination License. The license issued becomes an Elk Combination License.

Certificates affirming the nonresident applicant has contractually booked the services of, and will hunt with, a licensed outfitter must accompany the application. Nonresidents who obtain an outfitter-sponsored license are required to conduct all general deer, deer permit and elk hunting with a licensed outfitter during the 2009 hunting season. These certificates must be obtained from the licensed outfitter employed by the applicant, and the outfitter must be licensed for 2009 by the Montana Board of Outfitters. Licensed outfitters are prohibited by law from soliciting or accepting monetary consideration for services intended to only provide the applicant with a hunting license. Nonresident outfitters are prohibited from sponsoring themselves as applicants.

Outfitter-sponsored Big Game, Elk and Deer combination licenses will be available in unlimited numbers for applications received by 5:00 p.m. on March 16, 2009. If less than a combined total of 4,750 outfitter-sponsored big game and elk combination licenses are sold by March 16, the remaining licenses (up to 4,750) will be available, at the same price, on a first-come, first-served basis through September 1. If less than a total of 1,800 outfitter-sponsored deer combination licenses are sold by March 16, the remaining licenses (up to 1,800) will be available, at the same price, on a first-come, first-served basis through September 1.

In the case of death of the license holder or an immediate family member (certified by death certificate), refunds will be issued and the sponsoring outfitter may replace that client with a new applicant.

To be considered, initial receipt of applications must occur by 5:00 p.m. on March 16, 2009. Applications, including outfitter sponsor certificates, in error will be returned. To be assured a license, a corrected application and/or certificate must be received within 10 days of the initial deadline.

Applications submitted which, under reasonable circumstances, should have been received by the department by the deadline, but were not due to postal service errors, will be considered received by that deadline.

All licenses sold will be sent to the sponsoring outfitter and not the client.

All licenses sold and all refunds, within the Outfitter categories of licenses, will be used in computing the 5- year average.

PROCEDURES FOR SALE OF YOUTH NONRESIDENT BIG GAME COMBINATION LICENSES

Nonresidents youths age 12 through under age 18 may purchase a Nonresident Youth Big Game Combination license on a first come first serve basis after March 1, 2009. Applicants must be sponsored by an immediate family member (applicant's natural or adoptive parent, grandparent, brother or sister who is 18 years of age or older) and will accompany the youth. At the time of application for the Youth Nonresident Big Game Combination license the adult sponsor must possess a valid 2009 Nonresident Big Game, Elk or Deer Combination License or a valid 2009 resident deer or elk license. If more applications are received than available licenses, a drawing will be conducted to issue the licenses.

REISSUANCE OF NONRESIDENT DEER LICENSES SEPARATED FROM THE NONRESIDENT BIG GAME COMBINATION LICENSES

Nonresident hunters can choose not to purchase a deer A license as a part of the Big Game Combination License. The license issued becomes an Elk Combination License.

Due to robust deer populations the FWP Commission decided that all of the separated 2009 deer licenses will be reissued. Any separated licenses issued will be sold as B-11 Deer Combination Licenses. Licenses may be issued in the following categories:

- 1) Outfitter sponsored licenses may be sold to hunters using the services of a Montana licensed outfitter. Issuance of licenses in this category is subject to the following restrictions:

A. No license will be issued if sales of the Outfitter Sponsored Deer Combination License exceed 1,800 based on applications received by March 16, 2009.

B. Sale of licenses may not cause the total number of Outfitter Sponsored Deer Combination Licenses to exceed 1,800.

C. No more than 1/3 of the reissued licenses can be allocated to this category.

- 2) Up to 60% of the separated licenses may be issued to hunters as Landowner Sponsor Deer Combination Licenses, provided the sponsor allows a reasonable amount of public hunting for deer consistent with regulations of the FWP Commission.
- 3) The remaining separated licenses may be issued as General Deer Combination Licenses subject to restrictions specified by the FWP Commission for purposes of deer management.

PROCEDURES FOR SALE OF REISSUED DEER LICENSES

Outfitter Sponsored Deer Licenses

Policy and procedures similar to the sale of the Outfitter Sponsored Deer Combination license will be used. Certificates affirming that the nonresident applicant has contractually booked the services of, and will hunt with, a licensed outfitter must accompany the application. Nonresidents who obtain an outfitter-sponsored license are required to conduct all deer hunting with a licensed outfitter during the 2009 hunting season. These certificates must be obtained from the licensed outfitter employed by the applicant, and the outfitter must be licensed for 2009 by the Montana Board of Outfitters. Licensed outfitters are prohibited by law from soliciting or accepting monetary consideration for services intended to only provide the applicant with a hunting license.

The licenses will be issued on a first-come, first-served basis and sell for \$1,100. If more applications are received than available licenses, a drawing will be conducted to issue the licenses.

Landowner Sponsored Licenses

Up to 60% of the separated deer licenses may be sold as landowner sponsor licenses to hunters who have a resident landowner sponsor. The following limitations apply to the landowner sponsorships:

- 1) The landowner must offer reasonable public deer hunting opportunities, without charge, consistent with and no more restrictive than FWP Commission regulations with respect to season length and the species and sex of deer which may be harvested, unless such restrictions are specified in a block management contract or otherwise approved by the Regional Supervisor.
- 2) Sponsorship is limited to two licenses per landowner.
- 3) If the sponsoring landowner is a block management cooperator, sponsorship may constitute an offset to cash payments included in the cooperator's incentive package as determined by the Block Management Incentives Committee.

Nonresident hunters who have a landowner sponsor must apply for a license and attach a certification form signed by the sponsor affirming the sponsorship. The sponsorship form must be endorsed by a warden, biologist, regional supervisor, or other designated employee. Both the sponsorship and application forms will be provided by the department.

The licenses will be issued to unsuccessful applicants sponsored by qualifying landowners and then possibly on a first-come, first-served basis for \$338. If more applications are received than available licenses, a drawing will be conducted to issue the licenses.

General Category Licenses

The remaining separated deer licenses may be sold in the general category with restrictions as specified by the FWP Commission for the purposes of deer management. The licenses will be issued through a drawing to unsuccessful general category applicants who have expressed interest in available licenses, and will sell for \$338. If more applications are received than available licenses, a drawing will be conducted to issue the licenses. Licenses may be restricted by administrative region, hunting district or portions of hunting districts, by species of deer, and/or to the archery season only.

This rule is adopted pursuant to the authority contained in Sections 2-4-102(10)(d), 87-1-268, 87-1-201(7), 87-1-301 (4), 87-1-304 (1), 87-1-301 (1) (a), 87-2-511, MCA; and Section 3 of Chapter 355, Laws of 1997. The rule is effective the day after date of signature, and shall be in effect for a period of one year.